

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**STEVEN HALL,**

**Movant,**

**v.**

**1:05-cr-0073-WSD-AJB-1**

**1:12-cv-0987-WSD**

**UNITED STATES OF AMERICA,**

**Respondent.**

---

**OPINION AND ORDER**

This matter is before the Court on Magistrate Judge Alan J. Baverman's Final Report and Recommendation ("Final R&R") [55] on Steven Hall's ("Movant") notices of filing of a voluntary dismissal of his Section 2255 Motion [52, 54].

**I. BACKGROUND**

On January 9, 2012, Movant filed his motion for leave to file an out-of-time Section 2255 motion [41]. A number of construed motions for equitable tolling, motions for extensions of time, and memoranda in support of his motions were subsequently filed [42, 45, 46, 49, 52, 54].

On June 22, 2012, Movant filed a notice with the Court requesting that his Section 2255 motion be "totally" withdrawn [52]. On July 18, 2012, Movant filed

a similar notice [54] that stated he was “respectfully requesting to withdraw the Petition ENTIRELY!”

On July 26, 2012, the Magistrate Judge issued his Final R&R construing Movant’s notices as motions to voluntarily dismiss this action and recommended that those motions be granted. (Final R&R at 1-2).

No objections to the Final R&R have been filed.

## **II. DISCUSSION**

### **A. Standard of Review on the Magistrate Judge’s R&R**

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982), cert. denied 459 U.S. 1112 (1983). Because no objections to the Final R&R have been filed, the Court must conduct a plain error review of the record. United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983), cert. denied 464 U.S. 1050 (1984).

The Court has reviewed the findings and recommendations in the Final R&R and concluded plain error was not committed in reaching them. The Court specifically agrees with the Magistrate Judge’s construction of Movant’s notices as motions to voluntarily dismiss this action. (Final R&R at 1-2).

### **III. CONCLUSION**

For the foregoing reasons,

**IT IS HEREBY ORDERED** that Magistrate Judge Alan J. Baverman's Final Report and Recommendation [55] is **ADOPTED**.

**IT IS FURTHER ORDERED** that Movant's amended memorandum in support of his 2255(f)(3) Motion and his construed Motion to Vacate, [40, 44], and Movant's Motion to File an Out of Time 2255 Motion and his construed Motion for Equitable Tolling, as supplemented, [41, 42, 45, 46], are **DENIED AS MOOT**.

**IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE**.

**SO ORDERED** this 6th day of September, 2012.

  
\_\_\_\_\_  
WILLIAM S. DUFFEY, JR.  
UNITED STATES DISTRICT JUDGE